

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First
Amended Accusation Against:**

Quynam Nguyen, M.D.

Case No. 800-2016-022998

**Physician's and Surgeon's
Certificate No. G 56407**

Respondent

DECISION

**The attached Stipulated Revocation of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on September 30, 2018.

IT IS SO ORDERED September 18, 2018

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
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P.O. Box 85266
6 San Diego, CA 92186-5266
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **QUYNAM P. NGUYEN, M.D.**
16 **23653 El Toro Road, Suite B**
Lake Forest, CA 92630

17 **Physician's and Surgeon's Certificate**
No. G 56407,

18 Respondent.

Case No. 800-2016-022998

OAH No. 2018030005

**STIPULATED REVOCATION OF
LICENSE AND ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by LeAnna E. Shields,
26 Deputy Attorney General.

27 2. Quynam P. Nguyen, M.D. (Respondent) is represented in this proceeding by attorney
28 Alan Castillo, Esq., whose address is 23152 Verdugo Drive, Suite 201, Laguna Hills, CA 92653.

3. On or about November 18, 1985, the Board issued Physician's and Surgeon's Certificate No. G 56407 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 800-2016-022998 and will expire on June 30, 2019, unless renewed.

JURISDICTION

4. On January 26, 2018, the First Amended Accusation No. 800-2016-022998 was filed before the Board and is currently pending against Respondent. A true and correct copy of the First Amended Accusation No. 800-2016-019634 and all other statutorily required documents were properly served on Respondent on January 26, 2018. Respondent timely filed his Notice of Defense contesting the First Amended Accusation. A true and correct copy of the First Amended Accusation No. 800-2016-022998 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in the First Amended Accusation No. 800-2016-022998. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Revocation of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to each and every charge and allegation contained in the

1 First Amended Accusation No. 800-2016-022998 and that he has thereby subjected his license to
2 disciplinary action.

3 9. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the revocation of his Physician's and Surgeon's Certificate No. G 56407
5 without further process.

6 CONTINGENCY

7 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
8 part, that the Medical Board "shall delegate to its executive director the authority to adopt a
9 ...stipulation for surrender of a license."

10 11. Respondent understands that, by signing this stipulation, he enables the Executive
11 Director of the Board to issue an order, on behalf of the Board, accepting the revocation of his
12 Physician's and Surgeon's Certificate No. G 56407, without further notice to, or opportunity to be
13 heard by, Respondent.

14 12. This Stipulated Revocation of License and Disciplinary Order shall be subject to the
15 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
16 Revocation of License and Disciplinary Order shall be submitted to the Executive Director for her
17 consideration in the above-entitled matter and, further, that the Executive Director shall have a
18 reasonable period of time in which to consider and act on this Stipulated Revocation of License
19 and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
20 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
21 prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon
22 it.

23 13. The parties agree that this Stipulated Revocation of License and Disciplinary Order
24 shall be null and void and not binding upon the parties unless approved and adopted by the
25 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
26 force and effect. Respondent fully understands and agrees that in deciding whether or not to
27 approve and adopt this Stipulated Revocation of License and Disciplinary Order, the Executive
28 Director and/or the Board may receive oral and written communications from its staff and/or the

1 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
2 Executive Director, the Board, any member thereof, and/or any other person from future
3 participation in this or any other matter affecting or involving respondent. In the event that the
4 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this
5 Stipulated Revocation of License and Disciplinary Order, with the exception of this paragraph, it
6 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
7 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
8 that should this Stipulated Revocation of License and Disciplinary Order be rejected for any
9 reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the
10 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
11 discussion and/or consideration of this Stipulated Revocation of License and Disciplinary Order
12 or of any matter or matters related hereto.

13 **ADDITIONAL PROVISIONS**

14 14. This Stipulated Revocation of License and Disciplinary Order is intended by the
15 parties herein to be an integrated writing representing the complete, final and exclusive
16 embodiment of the agreements of the parties in the above-entitled matter.

17 15. The parties agree that copies of this Stipulated Revocation of License and
18 Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of
19 original documents and signatures and, further, that such copies shall have the same force and
20 effect as originals.

21 16. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Executive Director of the Board may, without further notice to or opportunity to be heard by
23 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 56407, issued to Respondent Quynam P. Nguyen, M.D., is revoked and accepted by the Medical Board of California.

1. The revocation of Respondent's Physician's and Surgeon's Certificate and the acceptance of the revoked license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in the First Amended Accusation No. 800-2016-022998 shall be deemed to be true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in the First Amended Accusation No. 800-2016-022998 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. The effective date of revocation shall be no earlier than fourteen (14) days after the date of the signed Decision and Order.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Revocation of License and Disciplinary Order
3 and have fully discussed it with my attorney, Alan Castillo, Esq., and I fully understand the
4 stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 56407. I
5 enter into this Stipulated Revocation of License and Disciplinary Order voluntarily, knowingly,
6 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
7 California.

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9 DATED: 8/30/2018


10 QUYNAM P. NGUYEN, M.D.
Respondent

11 I have read and fully discussed with Respondent Quynam P. Nguyen, M.D. the terms and
12 conditions and other matters contained in this Stipulated Revocation of License and Disciplinary
13 Order. I approve its form and content.

14 DATED: 8-30-18


15 ALAN CASTILLO, ESQ.
Attorney for Respondent


16
17 ENDORSEMENT

18 The foregoing Stipulated Revocation of License and Disciplinary Order is hereby
19 respectfully submitted for consideration by the Medical Board of California of the Department of
20 Consumer Affairs.

21 Dated: 8/31/18

Respectfully submitted,

22 XAVIER BECERRA
Attorney General of California
23 MATTHEW M. DAVIS
Supervising Deputy Attorney General


24 LEANNA E. SHIELDS
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2016-022998

1 XAVIER BECERRA
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2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 26 2018
BY: Jody Wright ANALYST

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **QUYNAM P. NGUYEN, M.D.**
23653 El Toro Road, Suite B
16 Lake Forest, CA 92630

17 **Physician's and Surgeon's Certificate**
18 **No. G 56407,**

Respondent.

Case No. 800-2016-022998

FIRST AMENDED ACCUSATION

(Cal. Gov. Code, § 11507.)

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in
23 her official capacity as the Executive Director of the Medical Board of California, Department of
24 Consumer Affairs (Board).

25 2. On or about November 18, 1985, the Board issued Physician's and Surgeon's
26 Certificate No. G 56407 to Quynam P. Nguyen, M.D. (respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on June 30, 2019, unless renewed.

JURISDICTION

3. This First Amended Accusation which supersedes the Accusation filed on October 5, 2017, in the above-entitled matter, is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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1 5. Section 2234 of the Code states, in pertinent part:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.

7 “...”

8 6. Section 2236 of the Code states:

9 “(a) The conviction of any offense substantially related to the qualifications,
10 functions, or duties of a physician and surgeon constitutes unprofessional conduct
11 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
12 of conviction shall be conclusive evidence only of the fact that the conviction
13 occurred.

14 “(b) The district attorney, city attorney, or other prosecuting agency shall
15 notify the Medical Board of the pendency of an action against a licensee charging a
16 felony or misdemeanor immediately upon obtaining information that the defendant is
17 a licensee. The notice shall identify the licensee and describe the crimes charged and
18 the facts alleged. The prosecuting agency shall also notify the clerk of the court in
19 which the action is pending that the defendant is a licensee, and the clerk shall record
20 prominently in the file that the defendant holds a license as a physician and surgeon.

21 “(c) The clerk of the court in which a licensee is convicted of a crime shall,
22 within 48 hours after the conviction, transmit a certified copy of the record of
23 conviction to the board. The division may inquire into the circumstances surrounding
24 the commission of a crime in order to fix the degree of discipline or to determine if
25 the conviction is of an offense substantially related to the qualifications, functions, or
26 duties of a physician and surgeon.

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1 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
2 is deemed to be a conviction within the meaning of this section and Section 2236.1.
3 The record of conviction shall be conclusive evidence of the fact that the conviction
4 occurred.”

5 7. Section 2273 of the Code states, in pertinent part:

6 “...

7 “(b) A licensee shall have his or her license revoked for a period of 10 years
8 upon a second conviction for violating any of the following provisions or upon being
9 convicted of more than one count of violating any of the following provisions in a
10 single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or
11 Section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an
12 application for license reinstatement may be made pursuant to Section 2307.”

13 8. California Code of Regulations, title 16, section 1360, states:

14 “For the purposes of denial, suspension or revocation of a license, certificate or
15 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
16 or act shall be considered to be substantially related to the qualifications, functions or
17 duties of a person holding a license, certificate or permit under the Medical Practice
18 Act if to a substantial degree it evidences present or potential unfitness of a person
19 holding a license, certificate or permit to perform the functions authorized by the
20 license, certificate or permit in a manner consistent with the public health, safety or
21 welfare. Such crimes or acts shall include but not be limited to the following:
22 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of, or conspiring to violate any provision of the Medical Practice Act.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crimes Substantially Related to the Qualifications, Functions,**
3 **or Duties of a Physician and Surgeon)**

4 9. Respondent has subjected his Physician's and Surgeon's Certificate No. G 56407 to
5 disciplinary action under 2227 and 2234, as defined by 2236 and 2273, of the Code, and section
6 1360 of title 16 of the California Code of Regulations, in that he was convicted of crimes
7 substantially related to the qualifications, functions, or duties of a physician and surgeon, as more
8 particularly alleged hereinafter:

9 **Orange County Conviction**

10 10. On or about May 31, 2016, in the case entitled *The People of the State of California v.*
11 *Quynam Nguyen*, Case No. 16CF1427, a criminal complaint was filed in the Superior Court of
12 California, County of Orange, charging respondent with one (1) count of violating section 550,
13 subdivision (a)(6), of the Penal Code (Insurance Fraud), and thirty-five (35) counts of violating
14 section 550, subdivision (a)(5), of the Penal Code (Insurance Fraud), all felonies.

15 11. The criminal complaint also alleged enhancements pursuant to section 186.11,
16 subdivision (a)(1), of the Penal Code (value exceeding \$100,000) as to all thirty-six (36) counts.

17 12. On or about March 17, 2017, respondent signed a change of plea form admitting guilt
18 as to three (3) separate counts charged on the criminal complaint, including one (1) count of
19 violating section 550, subdivision (a)(6), of the Penal Code (Insurance Fraud), and two (2)
20 separate counts of violating section 550, subdivision (a)(5), of the Penal Code (Insurance Fraud).
21 Respondent also admitted the alleged enhancements for all three (3) counts.

22 13. On or about April 6, 2017, respondent's plea of guilty was entered as to the first three
23 counts and their alleged enhancements charged on the criminal complaint.

24 14. On or about June 23, 2017, respondent was convicted on his plea of guilty and
25 sentenced to five (5) years' probation with terms and conditions including an order to serve two-
26 hundred and seventy (270) days in custody and pay restitution in the amount of \$335,860.00.

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1 **Riverside County Conviction**

2 15. On or about May 16, 2016, in the case entitled *The People of the State of California v.*
3 *Quynam Nguyen, et al.*, Case No. RIF 1670176, a criminal complaint was filed in the Superior
4 Court of California, County of Riverside, charging respondent with one (1) count of violating
5 section 182, subdivision (a)(1), of the Penal Code (Conspiracy), eighteen (18) counts of violating
6 section 550, subdivision (a)(6), of the Penal Code (Insurance Fraud), fourteen (14) counts of
7 violating section 1871.4, subdivision (a)(1), of the Insurance Code (False and Fraudulent Claims),
8 and one (1) count of violating section 549 of the Penal Code (Soliciting, Accepting or Referring
9 Business with the Intent to Violate section 550 of the Penal Code or section 1871.4 of the
10 Insurance Code), all felonies.

11 16. The criminal complaint also alleged enhancements pursuant to section 12022.6,
12 subdivisions (a)(1) and (a)(2), of the Penal Code (value exceeding \$65,000 or \$200,000) as to
13 twenty-one (21) counts, and an enhancement pursuant to section 186.11, subdivision (a)(2) of the
14 Penal Code (value exceeding \$500,000) as to one (1) count.

15 17. On or about January 23, 2017, respondent signed a change of plea form admitting guilt
16 as to five (5) separate counts of violating section 1871.4, subdivision (a)(1), of the Insurance
17 Code (False and Fraudulent Claims). Respondent also admitted the alleged enhancements as to
18 two (2) counts pursuant to section 12022.6, subdivision (a)(1), of the Penal Code (value
19 exceeding \$65,000).

20 18. On or about January 23, 2017, respondent's plea of guilty was entered as to the five (5)
21 separate counts of violating section 1871.4, subdivision (a)(1) and the alleged enhancements.

22 19. On or about September 7, 2017, respondent was convicted on his plea of guilty and
23 sentenced to five (5) years' probation with terms and conditions including an order to serve two-
24 hundred and seventy (270) days in custody, concurrent with Orange County Superior Court Case
25 No. 16CF1427.

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